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ARTICLE FOUR

RESOURCE PROTECTION

4.00.00 *GENERALLY*

4.00.01 Purpose

The purpose of this Article is to establish those resources that must be protected from harmful effects of development. A developer should apply the provisions of this Article before any other development design work is done. Application of the provisions of this Article will divide a proposed development site into areas that may be developed and areas that must generally be left free of development activity. The proposed development should then be designed to fit within the areas that may be developed.

4.00.02 Scope

This Article incorporates regulations which are designed to protect the following environmentally sensitive areas: flood prone areas, aquifers, sinkholes and caves, lakes, streams, wetlands, critical wildlife habitats, and historical and archaeological sites. Additional regulations contained in this Article address hazardous wastes and mining and their threat to environmentally sensitive areas.

4.00.03 Definitions

Unless specifically defined below, words or phrases used in this Article shall be interpreted so as to give them the meaning they have in common usage and to give this Article its most reasonable application.

Administrator or Planning Official means the official designated by the local governing body of Jefferson County for the administration and enforcement of this Code.

Adverse Effect means increases in flood elevations on adjacent properties attributed to physical changes in the characteristics of the Official 100-Year Flood Area due to development.

Developer means any person who engages in development either as the owner or as the agent of an owner of the property.

Development means that definition given for development in Article One.

Elevations means height in feet above mean sea level as established by the National Geodetic Vertical Datum (NGVD) of 1929.

Fill means any material deposited for the purpose of raising the level of the natural land surface.

Flood means a temporary rise in stream level that results in inundation of areas not ordinarily covered by water.

Flood Elevation of Record means the maximum flood elevations for which historical records exist.

Habitable Floor means any floor used or to be used for living purposes, which includes working, sleeping, eating, cooking, recreation, or a combination thereof. A floor used only for storage purposes having only non-loadbearing walls, e.g. breakaway latticework, wall, or screen, is not a habitable floor.

Hazardous Wastes means a material identified by the Department of Environmental Regulations as a hazardous waste. These may include but are not limited to a substance defined by the Environmentally Protection Agency based on the 1976 Resource Recovery and Reclamation Act, as amended, as:

1. being ignitable, corrosive, toxic, or reactive;
2. fatal to humans in low doses or dangerous to animals based on studies in the absence of human data;
3. listed in Appendix 8 of the Resource Recovery and Reclamation Act as being toxic and potentially hazardous to the environment.

Manufactured Building means a closed structure, building assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured in manufacturing facilities for installation or erection as a finished building or as part of a finished building, which shall include, but not be limited to, residential, commercial, institutional, storage, and industrial structures. The term includes buildings not intended for human habitation such as lawn storage buildings and storage sheds manufactured and assembled offsite by a manufacturer certified in conformance with this part. This part does not apply to mobile homes. F.S. 553.36.

Manufactured Home means a mobile home fabricated on or after June 15, 1976, in an offsite manufacturing facility for installation or assembly at the building site, with each

section bearing a seal certifying that it is build in compliance with the Federal Manufactured Home Construction and Safety Standard Act. F.S. 320.01

Mobile Home means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers, unless they have been placed on a permanent foundation.

Official 100-Year Flood Map means the map that delineates, to the nearest section, the areas having ground elevations that are less than the Official 100-Year Flood Elevations.

Official 100-Year Flood Elevations means the most recent and reliable flood elevations established by the Federal Emergency Management Agency (FEMA) or, determination of 100-year flood elevations certified by a Florida Registered Engineer, based on field studies, are acceptable.

Official 10-Year Flood Elevations means the most recent and reliable flood elevations based on a log Pearson type III probability distribution produced by the United States Geological Survey and based on historical data. Determination of 10-year flood elevations certified by a Florida Registered Engineer, based on field studies, are acceptable.

100-Year Flood Area means those areas within the scope of this Article that have a land elevation less than the Official 100-Year Flood Elevations.

Potable Water means water that is intended for drinking, culinary or domestic purposes, subject to compliance with County, State or Federal drinking water standards.

Riverbank Setback Line means a line running parallel to and at a distance of 100 feet from the generally recognized riverbank.

Structure means the buildings as well as other things constructed or erected on the ground, attached to something having location on the ground, or requiring construction or erection on the ground. This shall include modular homes.

Subdivision means the platting or division of real property into three or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land, and includes establishment of new streets and alleys, additions, and resubdivisions and, when appropriate to the context, relates to the process of subdividing or to the lands or area subdivided.

Substantial Improvement means for a structure built prior to October 17, 1984, any repair, reconstruction, or improvement of a structure the cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For the purposes of this definition, "substantial improvement" is considered to

occur when the first alteration on any wall, ceiling, floor, or other structural part of the building commences, whether or not that laceration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places, or the local register.

4.01.00 *FLOOD PROTECTION*

4.01.01 Purpose

- A. It is the purpose of this Article to promote the public health, safety, and general welfare and to minimize the public and private losses due to flood conditions in specific areas by provisions designed to:
1. conserve and maintain the outstanding ecological, recreational, and aesthetic value of all river basins;
 2. maintain, protect, and where possible enhance the drainage corridors of the areas that drain into sink holes;
 3. require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
 4. control the alteration of natural floodplains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
 5. control filling, grading, dredging, and other development which may increase erosion or flood damage;
 6. prevent or regulate the construction of barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands;
 7. protect individuals from unlimited utilization of lands which are unsuited for intended purposes because of flood hazards;
 8. to maintain water quality; and
 9. to protect wetland values.

4.01.02 Findings of Fact

- A.** The rivers and their major tributaries are the focus of statewide and county wide attention; a major undeveloped and free flowing riverine estuary system in Florida and of outstanding ecological, recreational and aesthetic value.
- B.** The sink hole system is another concern because of the potential contamination of wells in the area.
- C.** The 100-year flood areas of Jefferson County are subject to periodic inundation which can result in loss of life, property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- D.** These flood losses are caused in part by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities, and by the occupance in flood hazard areas by uses vulnerable to floods or hazardous to other properties which are inadequately elevated or otherwise not protected from flood damages.

4.01.03 General Provisions

- A. Scope.** This Article requires a permit for all development of any land in Jefferson County within the 100-year flood area. No development of any land in Jefferson County lying within the 100-year flood area shall be commenced without first obtaining a permit as set forth herein. This permit shall be referred to herein as the Development Permit. This Article also provides additional requirements for the subdivision of land lying within the 100-year flood area.
- B. Establishment of Official 100-Year Flood Elevations and Map Series**

The most recent and reliable flood elevations established by the Federal Emergency Management Agency (FEMA) shall be used, consistent with the County Floodplain Ordinance. The County Engineer can set elevations for “A” zone areas by comparing the FEMA map with Quad Maps, by reviewing records or reports of historical floods, and/or by consultation with surveyors on field records. These elevations shall be referred to as the "Official 100-Year Flood Elevations".
- C. Development requirements within the Flood Area**

1. All habited structures in the 100 year flood area shall be required to build with two feet of freeboard (two feet above the flood elevation). An Elevation Certificate prepared by a Florida registered professional engineer (P.E.) or a Florida registered surveyor (RLS) will be required before a Certificate of Occupancy can be issued.
2. Non inhabited structures can allow water to pass through.
3. Inverts and /or accesses to septic tanks and pump stations shall maintain one foot of freeboard. If they are have sealed openings that do not allow the passage of liquids they can be exempt from freeboard.
4. The rock bed for the drain field shall maintain one foot of freeboard.

4.01.04 Administration and Development Review

The administrative procedures of these flood protection regulations are in Section 9.09.06.

4.01.05 Design Standards for Flood Prone Areas

Design standards to be met by appropriate development activities are found in Section 5.06.00.

4.01.06 Other Applicable Provisions

Provisions for the enforcement of these regulations are found in Section 9.13.00. Appeals from the specific application of these regulations may be filed pursuant to Section 9.11.00.

4.02.00 *AQUIFER PROTECTION*

4.02.01 Purpose

The purpose of the aquifer protection standards is to safeguard the principal source of water for domestic, agricultural, and industrial use, by ensuring the availability of adequate and dependable supplies of good quality water. These standards protect both the quantity and quality of the groundwater supply, and control development in and adjacent to designated wellheads to protect water supplies from potential contamination.

4.02.02 Location Criteria and Other Restrictions

- A.** All future potable water wellfields with a design capacity of one-hundred thousand (100,000) gallons per day (GPD) or greater shall incorporate a minimum two-hundred (200) foot prohibited development zone around the perimeter of the well.
- B.** No development activities including any of the following shall be allowed within this prohibited development zone:
 - 1. Landfills;
 - 2. Facilities for the bulk storage, handling or processing of materials on the Florida Substance List (Chapter 442, F.S.);
 - 3. Activities that require the storage, use, handling, production or transportation of restricted substances including agricultural chemicals, petroleum or industrial chemicals, hazardous/toxic or medical wastes;
 - 4. Feedlots or other concentrated animal facilities;
 - 5. Wastewater treatment plants, percolation ponds, and similar facilities;
 - 6. Mines; or
 - 7. Excavation of waterways or drainage facilities which intersect the water table.

4.02.03 Specific Guidelines to Prevent Groundwater Contamination

- A. *Generally.*** Stormwater management practices shall not include drainage wells for stormwater disposal where recharge is into potable water aquifers.
- B. *Areas of Concern.*** Prior to any approval of development requiring water withdrawal within one-thousand (1000) feet of the Gulf State Chemical Company Site, or the Wacissa underground storage tank leak sites, the County shall consult with the FDEP and the Water Management District with jurisdiction to ensure such approval would not increase groundwater contamination.

4.03.00 *SINKHOLES AND CAVES*

4.03.01 Purpose

The purpose of this Article is to provide protection for sinkholes and caves for several reasons including: the prevention of aquifer contamination due to pollutants carried in stormwater runoff, and the preservation of habitat for threatened and endangered species and species of special concern.

4.03.02 Location Requirements

A minimum one hundred (100) foot buffer will be established surrounding any known sinkhole or cave. This shall be measured from where a change in the natural terrain descends into the sinkhole. Within this protection zone no development activity may take place and efforts should be made to maintain the buffer in its natural state. The Department of Environmental Protection (DEP), Florida Geological Survey, and the appropriate water management district shall be consulted with regard to any known or potential sinkhole or cave detected during development review, including the appropriate management response.

4.04.00 *LAKES, STREAMS AND WETLANDS*

Although Jefferson County is a coastal county no development is allowed on or near the Gulf of Mexico. Everything in this section deals with freshwater lakes, streams, etc.

4.04.01 Shoreline and Riverine Floodplain Buffers

See Section 2.05.05 of this Code.

4.04.02 Protection of Natural Water Bodies

No land use shall be permitted which discharges untreated stormwater or other effluents into natural water bodies.

4.05.00 *SHORELINE AND WATERFRONT PROTECTION*

4.05.01 Purpose

The purpose of this Article is to ensure the protection of ground and surface waters in the County. A "Shoreline Protection Zone" is hereby created and shall extend from the point in waters where no emergent aquatic vegetation can grow to a point fifty (50) feet landward of the

ordinary (mean) high water. Special restrictions and standards shall be placed on development in the shoreline protection zone.

4.05.02 Special Uses Allowed In A Shoreline Protection Zone

A. The development shall be designed to:

1. Allow the movement of aquatic life requiring shallow water;
2. Maintain existing flood channel capacity;
3. Assure stable shoreline embankments.

B. Development that encroaches on the Shoreline Protection Zone shall not be located:

1. On unstable shorelines where water depths are inadequate to eliminate or minimize the need for offshore or foreshore channel construction dredging, maintenance dredging, spoil disposal, filling, beach feeding, and other river, lake and channel maintenance activities;
2. In areas where there is inadequate water mixing and flushing;
3. In areas which have been identified as hazardous due to high winds or flooding.

C. Access roads, parking lots and similar structures shall be located in upland sites.

Non-developed portions of the Shoreline Protection Zone that are damaged during construction shall be restored or replaced through replanting of vegetation, restocking of vegetation, restocking of fish, shellfish, and wildlife, re-establishment of drainage patterns, and the like. To the maximum extent possible, the restored areas shall match their prior ecological functioning.

D. Accessory uses shall be limited to those, which are water dependent or necessary for operation of the development. Accessory uses will be consistent in scale and intensity with the surrounding uses. Fill shall not be placed in waters or associated wetlands to create unusable land space for accessory uses.

4.06.00 WATERFRONT STRUCTURES

4.06.01 Generally

No waterfront development shall be undertaken unless authorized by a development permit, pursuant to Section 9.01.00. In addition, no waterfront structures and/or facilities shall be erected, expanded or constructed except in accordance with a Special Exception, pursuant to Section 9.08.00, Special Exceptions.

4.06.02 STANDARDS

No such special exception shall be granted unless the proposed activity is in compliance with all applicable County laws, is consistent with the Comprehensive Plan, and is in compliance with the following requirements as applicable.

A. *Distance from Channel* Such structures shall not be closer than forty-five (45) feet from the center of any publicly used channel.

B. *Maximum Height of Boathouses and Boat Hoists.* Covered boathouses and covered boat hoists shall not exceed a height of twenty (20) feet above (ordinary) mean high water or ten (10) feet above the ground on which they are placed, whichever is higher. Such structures shall not be placed more than thirty (30) feet from the shoreline without a Special Exception pursuant to Section 9.08.00, Special Exceptions. Boathouses may have a roof structure, but may not have enclosed walls, per Army Corps of Engineers, General Permit SA-J3. Boathouse roofs shall be tied down.

C. *Compliance with District Side Yards.*

1. Waterfront structures shall not be located closer to any side lot line than the minimum side yard requirement of the zoning district applicable on the adjacent shore. Side lot lines shall be deemed to extend into the adjacent water body perpendicular to the shoreline, which they intersect unless they actually extend into such water body.
2. The density of multi-family docking facilities and single-family docks on lots created after the effective date of the Comprehensive Plan shall not exceed one (1) power boat slip for every one hundred (100) feet of shoreline owned. Additional slips over the 1:100 foot ratio shall be designated by posted signage as sailboat or non-power driven boats only.

D. *Other Requirements*

1. There shall be no handling or storage of fuel, hazardous and toxic substances and wastes.

2. No new boat ramps shall be located in areas characterized by significant grass flats.
3. Slow speed zones shall be established for all access channels to marina-type uses and multi-family docking facilities. All development within or adjacent to slow speed zones shall be required to post appropriate signage. Such signage may be shared by one or more projects. Signage shall conform to Article VI, of this Code.
4. Posting and maintenance of government signs at marina-type uses and their access channels shall be provided, funded, and maintained by the affected marina-type use.

4.06.03 Floodways. All waterfront structures in the floodways shall comply with Section 4.01.01.

4.07.00 HABITAT OF ENDANGERED OR THREATENED SPECIES

4.07.01 Generally

This Article provides regulations, which complement those for wetland preservation and are intended to protect upland habitats as well as wildlife corridors (especially those associated with wetlands).

4.07.02 Regulations

A. Impact Assessment. An assessment of the potential adverse impact shall be performed, pursuant to Section 4.05.02(C), for the following:

1. All development proposed within fifty (50) feet of a wetland or water body;
2. All development proposals within the Longleaf Pine/Turkey Oak community proposing a density of greater than one dwelling unit per five acres;
3. All residential development in the Longleaf Pine/Turkey Oak community proposing development on twenty-five (25) acres or more; or
4. Any non-residential development in the Longleaf Pine/Turkey Oak community on fifteen (15) acres or more.

B. Maps. The Florida Fish and Wildlife Conservation Commission Map and the Florida Natural Areas Inventories List and Map shall serve as a guide in identification of critical habitats.

C. Management Plan.

1. Generally. When one or more of a threatened or endangered species, or species of special concern are found on a development site, development activities which may cause harm to the species shall not be allowed until a management plan has been prepared which avoids the adverse effect of the project on the species.

2. Contents. The management plan shall be prepared by an ecologist, biologist or other related professional as a consultant to the County. Such expense shall be borne by the applicant. The Plan shall document the presence of affected species, the land needs of the species that may be met on the development site, and shall recommend appropriate habitat management strategies to protect the subject wildlife. Where adverse impacts cannot be avoided through site design or other means, the applicant shall be required to develop a mitigation plan which will allow no net loss of individuals of designated species, in coordination with the Florida Fish and Wildlife Conservation Commission.

4.08.00 HISTORICAL AND ARCHAEOLOGICAL SITES

4.08.01 Generally

The following regulations address the preservation of historical and archaeological sites within Jefferson County.

4.08.02 Historical Sites

A. Map. A map indicating the location of historic sites is kept in the office of the Planning Official, where it may be inspected by the public.

B. Private nomination. Individuals may nominate property they own for inclusion in the List of Historic Sites if it qualifies for one of the following categories:

1. Architectural Significance. The building is an example of good or unique architecture not typically found in Jefferson County, or is an excellent example of typical Jefferson County architecture in the past.

2. Historical Significance. The site or building is important through association with important persons or events.

C. Additional Criteria. The Planning Official should consider the opinion of persons knowledgeable about the history of the site and its characteristics, and the opinion of the Jefferson County Historical Society when making a decision about a site's nomination.

D. Guidelines for Preservation. Any development to be located within a building of historic significance or on the same lot or tract with a historic site shall be approved only after the applicant demonstrates that he or she has made an effort to secure a user for the site who will restore it and use it for a contemporary purpose. The development should be designed to minimize impact on the historic character of the building or site, and to enhance the appearance of the historic site.

E. Standards for Rehabilitation. Persons undertaking rehabilitation on historic buildings or construction in historic areas should follow the guidelines suggested in The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Old Buildings published by the U.S. Department of the Interior, National Park Service.

4.08.03 Archaeological Sites

A. Required Buffers. A developmental proposal for location near an archaeological site will be approved only after the applicant demonstrates that he or she has provided a minimum twenty-five (25) foot buffer zone extending outward from the periphery of the site to minimize damage to the archaeological site. The recommendation of the Division of Historical Resources, Department of State, State of Florida is to be sought as part of the review of a proposal, which would affect an archaeological site.

4.09.00 RECYCLING PLAN AND HAZARDOUS WASTES

4.09.01 Disposal of Hazardous Wastes

The disposal of hazardous wastes into the public sewer system, canals and ditches, wetlands, stormwater facilities, unlined landfills and other unsafe areas shall be prohibited.

4.09.02 Handling, Generation and Storage of Hazardous Wastes

Any development where hazardous wastes will be handled, generated, stored, transferred or sold shall employ the best available facilities and procedures for the prevention, containment, recovery, and mitigation of spillage of fuel and toxic substances. Facilities and procedures shall

be designed to prevent substances from entering the water or soil, and employ adequate means for prompt and effective cleanup of spills that do occur

4.09.03 Prohibited Uses

The long-term storage of equipment or materials and the disposal of wastes shall be prohibited. Fertilizers, herbicides or pesticides shall not be applied in a Protected Environmentally Sensitive Zone except for projects conducted under the authority of Sections 373.451-373.4595, Florida Statutes, the Surface Water Improvement Management Act, and governmentally authorized mosquito control programs.

4.09.04 Hazardous and Extremely Hazardous Substances

A. *Limitations:*

Quantity limitations shall be placed on hazardous and extremely hazardous substances. Any toxic substance in the quantities listed in the following shall follow the regulations of the U.S. Environmental Protection Agency (EPA) and the Florida State Emergency Response Commission (SERC).

1. List of extremely hazardous substances, as published by the U.S. Environmental Protection Agency 40 CFR 355, as amended.
2. Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) chemicals, published by the U.S. Environmental Protection Agency as Title III List of Lists, consolidated list of chemicals subject to reporting under Title III, of the Superfund Amendments and Reauthorization Act (SARA) of 1986, as amended.
3. Hazardous chemicals which the Occupational Safety and Health Administration (OSHA) requires a Material Safety Data Sheet (MSDS) to be maintained, as amended.
4. Toxic chemicals as published by the U.S. Environmental Protection Agency, Section 313, Toxic chemical list, as amended.

B. *Site Requirements*

In addition to the requirements of Federal, State and other County Codes, all sites for the use, storage and production of extremely hazardous substances in quantities stipulated in 4.09.04 shall be located and contained in a suitable room(s) located, properly labeled and alarmed for safe keeping. All storage allowed by the HRS/Jefferson County Public Health Unit and the Fire Department, that is exterior to the structure shall be located within a six (6) foot fence locked under management control. Adequate containment facilities shall be sized and located so as to accommodate and contain all accidental spillage. Computation shall be submitted to the HRS/Jefferson County Public Health Unit and Fire Department to justify all containment structures. The type, quantity and location of all extinguishing components shall also be submitted for review by the HRS/Jefferson County Public Health Unit and Fire Department.

All activities and all storage of extremely hazardous substances at any point, shall be provided with adequate safety devices against fire and explosion with fire-fighting and fire suppression devices and equipment.

C. Building Permit Requirements

No building permit for any type of construction, except related retrofit construction to achieve compliance shall be issued on any lot for which a known violation of this Section exists. The HRS/Jefferson County Public Health Unit and Fire Department shall notify the Building Development Office of all cited violations.

4.09.05 Adherence to DEP Standards

FDEP standards for transfer and storage of hazardous wastes shall be implemented for all developments to ensure that the quality of ground or surface water or other natural resources will not be degraded.

4.10.00 WATER CONSERVATION

4.10.01 Adoption of The Water Conservation Act

Jefferson County hereby adopts the Florida Water Conservation Act. Specific standards for low volume plumbing fixtures are set by the state.

4.10.02 Procedure During Periods of Drought

During periods of water shortage or drought, the county shall initiate procedures to restrict potable water usage in keeping with the Water Shortage Regulations contained in the Northwest Florida and Suwannee River Water Management District's Water Shortage Plans.